CONFERENCE ON DISARMAMENT

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LETTER DATED 24 MAY 2002 FROM THE PERMANENT REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE CONFERENCE ON DISARMAMENT ADDRESSED TO THE SECRETARY-GENERAL OF THE CONFERENCE TRANSMITTING THE TEXT OF PRESIDENT BUSH'S MESSAGE TO THE SENATE OF THE UNITED STATES ON 9 MAY 2002 REQUESTING THE ADVICE AND CONSENT OF THE SENATE TO RATIFICATION OF THE U.S.-IAEA ADDITIONAL PROTOCOL

Attached is the text of President Bush's message to the Senate of the United States on May 9, 2002 requesting the advice and consent of the Senate to ratification of the U.S.-IAEA Additional Protocol.

The Administration hopes for expeditious Senate approval of the agreement so that it can quickly enter into force. The IAEA plays a valuable role in the fight against nuclear proliferation, and the President's transmission of this agreement to the Senate reinforces longstanding U.S. support for the IAEA.

The United States urges all states that have not yet done so to negotiate with the IAEA and bring into force the safeguards agreements required by the NPT as well as Additional Protocols.

I would be grateful if you would issue this text as an official document of the Conference on Disarmament and distribute it to all member states and non-member participant states of the CD.

(Signed:) Eric M. Javits
Ambassador
Permanent Representative
of the United States to the
Conference on Disarmament

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Message to the Senate of the United States

Begin Text:

TO THE SENATE OF THE UNITED STATES:

I submit herewith, for Senate advice and consent to ratification, the Protocol Additional to the Agreement Between the United States of America and the International Atomic Energy Agency for the Application of Safeguards in the United States of America, with annexes, signed at Vienna June 12, 1998 (the "Additional Protocol"). Adhering to the Additional Protocol will bolster U.S. efforts to strengthen nuclear safeguards and promote the nonproliferation of nuclear weapons, which is a cornerstone of U.S. foreign and national security policy.

At the end of the Persian Gulf War, the world learned the extent of Iraq's clandestine pursuit of an advanced program to develop nuclear weapons. In order to increase the capability of the International Atomic Energy Agency (the "Agency") to detect such programs, the international community negotiated a Model Additional Protocol (the "Model Protocol") to strengthen the Agency's nuclear safeguards system. The Model Protocol is to be used to amend the existing bilateral safeguards agreements of states with the Agency.

The Model Protocol is a milestone in U.S. efforts to strengthen the safeguards system of the Agency and thereby to reduce the threat posed by clandestine efforts to develop a nuclear weapon capability. By accepting the Model Protocol, states assume new obligations that will provide far greater transparency for their nuclear activities. Specifically, the Model Protocol strengthens safeguards by requiring states to provide broader declarations to the Agency about their nuclear programs and nuclear-related activities and by expanding the access rights of the Agency.

The United States signed the Additional Protocol at Vienna on June 12, 1998. The Additional Protocol is a bilateral treaty that would supplement and amend the Agency verification arrangements under the existing Agreement Between the United States of America and the International Atomic Energy Agency for the Application of Safeguards in the United States of America of November 18, 1977 (the "Voluntary Offer"), which entered into force on December 9, 1980. The Additional Protocol will enter into force when the United States notifies the Agency that the statutory and constitutional requirements for entry into force have been met.

The Treaty on the Non-Proliferation of Nuclear Weapons (the "NPT") requires non-nuclear-weapon states parties to accept Agency safeguards on their nuclear activities. The United States, as a nuclear-weapon state party to the NPT, is not obligated to accept Agency safeguards on its nuclear activities. Nonetheless, it has been the announced policy of the United States since 1967 to permit the application of Agency safeguards to its nuclear facilities—excluding only those of direct national security significance. The Additional Protocol similarly allows the United States to exclude its application in instances where the United States decides that its application would result in access by the Agency to activities with direct national security significance to the United States or access to locations or information associated with such activities. I am,

therefore, confident that the Additional Protocol, given our right to invoke the national security exclusion and to manage access in accordance with established principles for implementing these provisions, can be implemented in a fashion that is fully consistent with U.S. national security.

By submitting itself to the same safeguards on all of its civil nuclear activities that non-nuclear-weapon states parties to the NPT are subject to, the United States intends to demonstrate that adherence to the Model Protocol does not place other countries at a commercial disadvantage. The U.S. signature of the Additional Protocol was an important factor in the decisions of many non-nuclear-weapon states to accept the Model Protocol and provided significant impetus toward their early acceptance. I am satisfied that the provisions of the Additional Protocol, given our right to manage access in accordance with Article 7 and established implementation principles, will allow the United States to prevent the dissemination of proliferation-sensitive information and protect proprietary or commercially-sensitive information.

I also transmit, for the information of the Senate, the report of the Department of State concerning the Additional Protocol, including an article-by-article analysis, a subsidiary arrangement, and a letter the United States has sent to the Agency concerning the Additional Protocol. Additionally, the recommended legislation necessary to implement the Additional Protocol will be submitted separately to the Congress.

I believe that the Additional Protocol is in the best interests of the United States. Our acceptance of this agreement will sustain our longstanding record of voluntary acceptance of nuclear safeguards and greatly strengthen our ability to promote universal adoption of the Model Protocol, a central goal of my nuclear nonproliferation policy. Widespread acceptance of the Protocol will contribute significantly to our nonproliferation objectives as well as strengthen U.S., allied and international security. I, therefore, urge the Senate to give early and favorable consideration to the Additional Protocol, and to give advice and consent to its ratification.

GEORGE W. BUSH
THE WHITE HOUSE,
May 9, 2002.